

SOLE/JOINT

**DECLARATION AND POWER OF ATTORNEY**

As the below named inventors, we hereby declare that our residence, post office address and citizenships are as stated below next to our names: that we verily believe we are the original and joint inventors of the subject matter claimed and for which a patent is sought in the application entitled:

**CRYOPRESERVATION OF OOCYTES AND EMBRYOS AND METHODS  
FOR PRODUCING ANIMALS INVOLVING THE SAME**

which application is:

☐ the attached application  
(for original application)

☒ Application No. \_\_\_\_\_  
filed May 24, 2001, and amended on \_\_\_\_\_  
May 24, 2001  
(for declaration not accompanying application)

that we have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that we acknowledge our duty to disclose information of which we are aware which is material to the patentability of this application under 37 C.F.R. § 1.56, that we hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any provisional application or foreign application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of any foreign application on which priority is claimed:

Application Number	Country	Filing Date	Priority Claimed
AU99/01048	PCT	November 24, 1999	YES
PP 7299	AUSTRALIA	November 24, 1998	YES

We hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, We acknowledge our duty to disclose any information material to the patentability of this application under 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status
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We hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603 and George F. Lehnigk, Reg. No. 36,359, our attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3213.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 23-8-01 First Inventor Mark Brenton NOTTLE  
First Name Middle Initial Last Name  
Residence South Australia AUSTRALIA Signature [Signature]  
City State/Country  
Post Office Address: Lot P Alexander Avenue, RSD Bibaringa  
South Australia, 5118, AUSTRALIA  
Citizenship AUSTRALIAN

Date 4<sup>th</sup> July 2001 Second Inventor Ranald B. A. CAMERON  
First Name Middle Initial Last Name  
Residence Queensland AUSTRALIA Signature Ranald B. Cameron  
City State/Country  
Post Office Address: 7 Teague Street, Indooroopilly  
Queensland, 4068, AUSTRALIA  
Citizenship AUSTRALIAN

Date 6<sup>th</sup> July 2001 Third Inventor Luke Francis Sharkerley BEEBE  
First Name Middle Initial Last Name  
Residence Queensland AUSTRALIA Signature Luke Bebe  
City State/Country  
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Queensland, 4051, AUSTRALIA  
Citizenship AUSTRALIAN

Date 31 July 2001 Fourth Inventor Alan Weaver BLACKSHAW  
First Name Middle Initial Last Name  
Residence Queensland AUSTRALIA Signature Alan Weaver  
City State/Country  
Post Office Address: 13 Jenkinson Street, Indooroopilly  
Queensland, 4068, AUSTRALIA  
Citizenship AUSTRALIAN

Date 31 August 2001 Fifth Inventor Hiroshi NAGASHIMA  
First Name Middle Initial Last Name  
Residence Kanagawa JAPAN Signature Hiroshi Nagashima  
City State/Country  
Post Office Address: 2-20-19, Mukaibara, Asao, Kawasaki  
Kanagawa 215-0007, JAPAN  
Citizenship JAPANESE

Date \_\_\_\_\_ Sixth Inventor \_\_\_\_\_  
First Name Middle Initial Last Name  
Residence \_\_\_\_\_ Signature \_\_\_\_\_  
City State/Country  
Post Office Address: \_\_\_\_\_  
Citizenship \_\_\_\_\_

Applicant or Patentee: Mark Brenton NOTTLE, Randal CAMERON,  
Application No. Luke Francis Sharkerley BEEBE,  
Filed or Issued: Alan Weaver BLACKSHAW and Hiroshi NAGASHIMA Attorney's Docket  
No.: Q-64691  
May 24, 2001  
For: CRYOPRESERVATION OF OOCYTES AND EMBRYOS AND METHODS  
FOR PRODUCING ANIMALS INVOLVING THE SAME

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27 (c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below: **FILED**

SEP 26 2001

NAME OF CONCERN BRESAGEN LIMITED  
ADDRESS OF CONCERN 38-39 Winwood Street, Thebarton,  
South Australia, 5031, AUSTRALIA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: **CRYOPRESERVATION OF OOCYTES AND EMBRYOS AND METHODS FOR PRODUCING ANIMALS INVOLVING THE SAME** by inventors Mark Brenton NOTTLE, Randal CAMERON, Luke Francis Sharkerley BEEBE, Alan Weaver BLACKSHAW and Hiroshi NAGASHIMA

Described in ☐ the specification filed herewith  
☒ application no. \_\_\_\_\_ filed May 24, 2001  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statement are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME THE UNIVERSITY OF QUEENSLAND  
ADDRESS St. Lucia, Queensland, 4067, AUSTRALIA

☐ INDIVIDUAL

☐ SMALL BUSINESS  
CONCERN

☒ NONPROFIT  
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON

SIGNING

MR LINTON WAYNE PAUL BURNS

TITLE IN ORGANIZATION

COMPANY SECRETARY

ADDRESS OF PERSON

SIGNING

38-39 WINWOOD ST  
THEBARTON SA 5031

Signature

 Date

8 JUNE 2001

Applicant or  
Patentee:

**Mark Brenton NOTTLE, Ranald CAMERON,  
Luke Francis Sharkerley BEEBE,  
Alan Weaver BLACKSHAW and Hiroshi NAGASHIMA**

Attorney's Docket

Application or  
Patent No.

No.: Q-64691

Filed or Issued:

**May 24, 2001**

For:

**CRYOPRESERVATION OF OOCYTES AND EMBRYOS AND METHODS  
FOR PRODUCING ANIMALS INVOLVING THE SAME**

**VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27 (c)) –**

**NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION  
ADDRESS OF  
ORGANIZATION

THE UNIVERSITY OF QUEENSLAND  
St. Lucia, Queensland, 4067  
AUSTRALIA

**TYPE OF ORGANIZATION**

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))  
☐ Nonprofit scientific or educational under statute of state of The United States of America

(Name of State) \_\_\_\_\_

(Citation of statute) \_\_\_\_\_

- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (30)) if located in

The United States of America

- ☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in

The United States of America

(Name of State) \_\_\_\_\_

(Citation of statute) \_\_\_\_\_

I hereby declare that the above nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled: **CRYOPRESERVATION OF OOCYTES AND EMBRYOS AND METHODS FOR PRODUCING ANIMALS INVOLVING THE SAME** by inventors Mark Brenton NOTTLE, Ranald CAMERON, Luke Francis Sharkerley BEEBE, Alan Weaver BLACKSHAW and Hiroshi NAGASHIMA.

Described in ☐ the specification filed herewith

☒ application no. \_\_\_\_\_

☐ patent no. \_\_\_\_\_

filed May 24, 2001

issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statement are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME BRESAGEN LIMITED

ADDRESS 38-39 Winwood Street, Thebarton, South Australia, 5031, AUSTRALIA

☐ INDIVIDUAL

☒ SMALL BUSINESS  
CONCERN

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ORGANIZATION

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

DOUGLAS PORTER

TITLE IN ORGANIZATION

SECRETARY AND REGISTRAR

ADDRESS OF PERSON SIGNING

THE UNIVERSITY OF QUEENSLAND, QLD 4072

Signature

Douglas Porter

Date

27/6/2001